

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 13437 of 2007(Y)

PETITIONER:

**ANSU CHERIAN, THEKKEKUNNEL HOUSE,
MALAYAYINKEEZHU, KOTHAMANGALAM, ERNAKULAM DISTRICT,
WORKING AS ASSISTANT MANAGER, (TC LAB), VFPCK.**

**BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)**

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE
SECRETARY, AGRICULTURE DEPARTMENT,
THIRUVANANTHAPURAM.**
- 2. VEGITABLE AND FRUIT PROMOTION COUNCIL
KERALAM, REPRESENTED BY ITS BOARD OF DIRECTORS,
KAKKANAD, ERNAKULAM.**
- 3. THE CHIF EXECUTIVE OFFICER,
VEGITABLE AND FRUIT PROMOTION COUNCIL KERALA,
KAKKANAD, ERNAKULAM.**

**BY ADV. SRI.N.SUGATHAN, SC
BY SR.GOVERNMENT PLEADER SRI.V.T.K.MOHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/07/2007 ALONG WITH WPC NO. 11174 OF 2007 AND
CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1; COPY OF THE RESOLUTION PASSED BY THE 2ND RESPONDENT.

EXT.P2: COPY OF THE APPOINTMENT ORDER ISSUED BY THE 3RD RESPONDENT.

EXT.P3: COPY OF THE ORDER DTD. 30/03/2007 PASSED BY THIS HON'BLE COURT IN WP(C) NO.11306 OF 2007.

EXT.P4: COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT.

3RD RESPONDENT'S EXHIBITS:

EXT.R3(A): COPY OF G.O.(RT) NO.331/05/AD DTD. 14/03/2005.

EXT.R3(B); COPY OF G.O.(RT) NO.529/06/AD DTD. 18/04/2006.

EXT.R3(C): COPY OF G.O.(RT) NO.448/07/AD DTD. 24/03/2007.

EXT.R3(D): COPY OF LETTER DTD. 12/04/2007 OF THE 2ND RESPONDENT TO THE PETITIONER.

EXT.R3(E): COPY OF APPOINTMENT ORDER DTD. 28/01/2007.

/TRUE COPY/

P.A.TO JUDGE

KSS

K.BALAKRISHNAN NAIR,J.

WP(C)NO.13437 OF 2007-Y

Judgment

The petitioner was an Assistant Manager, attached to the Tissue Culture Lab of the 2nd respondent company. She was appointed on contract basis for a period of one year by Ext.P2 order. She has been terminated from service by Ext.R3(d) order dated 12.04.2007, as her services were no longer required. She was working in the Tissue Culture Lab, which was taken on lease by the 2nd respondent from the 1st respondent. It is pointed out that the said lab in which she was working has been handed over to the Department of Agriculture on 11.04.2007. So, she has become a surplus hand. The petitioner approached this Court on 16.04.2007, apprehending termination and during the pendency of the Writ Petition, the termination order was served on her. So, the Writ Petition was amended, challenging the said order also. Initially, there was an interim order. Later, it was vacated by this Court by order dated 02.07.2007. The relevant portion of the said order reads as follows :

“Heard. The petitioner is sought to be retrenched on the ground that the institution in which he was working has been handed over by the 2nd respondent to the first respondent. So, at present, there is no vacancy to accommodate her. In view of the above facts, the 2nd respondent prays for vacating the interim order. I heard the learned

counsel for the petitioner also. The stay is vacated. But, the petitioner shall be treated as a retrenched hand and re-appointed in the vacancy, if any which arises in future in the same or equivalent post, under the 2nd respondent.”

Going by the termination order, the petitioner has been terminated, only because she was a surplus hand. So, I think, the above interim order can be made absolute and the Writ Petition can be disposed of. It is ordered accordingly.

23.07.2007

K.BALAKRISHNAN NAIR,JUDGE

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